IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 10328 of 1995

Between:

Molakalapalli Venkaiah, S/o. Sri Krishnaiah,
R/o. Surareddypalem (V),Hamlet of Velluru(V), Ongole Taluq,
Prakasham Dist.

..... PETITIONER

AND

1 The Commissioner of Survey, Settlements and Land Records,
Govt. of A.P., Hyderabad.
2 The Mandal Revenue Officer,
Tanguturu Mandal, Prakasham Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or a direction, more particularly one in the nature of writ of Mandamus; declaring the order passed by the first respondent in his Ref.No.P2/1495/84 dt.12.4.1995 issued on 29.6.1994 signed on 17.9.1994, but actually received by the petitioner on 18.5.1995 as illegal, improper, arbitrary opposed to the principles of natural justice, after calling for the records relating to and connected.

Counsel for the Petitioner: MR.T. Niranjan Reddy

Counsel for the Respondents: GP FOR REVENUE

The Court made the following

ORDER :

The petitioner filed this writ petition challenging the order passed by the Commissioner of Survey, Settlements and Land Records made in P2/1495/84 dated 29-6-1994, signed on 17-9-1994, which was received by him on 18-5-1995, rejecting the representation petition filed against the order of the Director of Settlements.

Originally the Director of Settlements had taken the matter for enquiry on *suo motu* action. The Director of Settlements after hearing the parties decided that the third party implead petitioners had no interest or right and the petitioner herein is entitled for patta to an extent of Acs.137.99, which is under cultivation, while canceling the patta to an extent of Acs.109.63, which uncultivated land, by order dated 30-3-1984. Against the said order the petitioner filed a representation petition before the first respondent and sought for stay. As the first respondent refused to grant stay, the petitioner filed W.P.No.14332 of 1984 before this Court. This Court by order dated 19-10-1984 disposed of the said writ petition with a direction to the respondent not to dispossess the petitioner during the pendency of the representation petition. Since then the petitioner has been in possession and enjoyment of the lands in question. Accordingly, the first respondent taken up the representation petition on file. The case has undergone so many adjournments. Whenever the first respondent adjourned the representation petition, he used to put up on the notice board. On 12.4.1994 it seems that the advocate appearing for the petitioner has not attended the case, hence the first respondent dismissed the representation petition filed by the petitioner even without intimating the petitioner. When the second respondent came to the lands on 17-5-1995 for surveying the land so as to separate the uncultivated land to an extent of Acs.109.63, the petitioner came to know of the result of his representation petition. Alleging that the third respondent is taking steps to assign the land in dispute to third parties, the petitioner filed the present writ petition to declare the order dated 12-4-1995 passed by the first respondent as illegal and arbitrary.

It has been contended by the learned counsel for the petitioner that the matter was laying for nearly 10 years in the office of the Commissioner, Survey and

Settlements. In view of the change of address of the counsel, the counsel had no notice of hearing of the representation petition and as the representation petition is pending nearly for 10 years, the advocates could not pursue the matter.

The impugned order reads as under:

> "The case has been taken up on file and posted for hearing on 16.2.1985 and after several adjournments last posted for hearing on 12-4-1994. On 12-4-1994 the counsel for the petitioners and respondents are absent though notices served. They were also absent on earlier occasion i.e., on 22-2-1994 in spite of notices served on them. Perused the connected records. In the instant case, the Hon'ble High Court of Andhra Pradesh, Hyderabad in W/{/Mp/14332 pf 1984 dated 19-10-1994 directed the Commissioner, SS & LR to dispose of the R.P. within one month from the date of judgment of the High Court dated 19-10-1994. The petitioners have no interest in the matter. The Director of Settlements Hyderabad in his R.P.No.141/83, dated 30-3-1984 after spot inspection. While canceling rough patta in respect of the area Acs.109.63 in S.Nos.31/1, 91/1, 96/1, 94 and 95 granted patta for an extent of Acs.137.99 out of an extent of 247.62 for which extent rough pattas have been granted by the S.O. The Director of Settlements, Hyderabad has rightly passed the orders after making necessary spot inspection as directed. Therefore, I see no reason to interfere with the orders of Director of Settlements, Hyderabad and accordingly the R.P. is dismissed."

In the impugned order passed by the Commissioner of Survey, Settlements and Land Records it has been observed that the Director of Settlements after making necessary spot inspection as directed, passed orders dated 30-3-1984 cancelling the rough patta in respect of the un cultivated land to an extent of Ac.109.63 and granted patta in respect of the land under cultivation to an extent of Acs.137.99. He also observed that the land was a waste dry land and the Collector was directed to assign the said piece of land to eligible landless poor persons. The Director of Settlements has granted ryotwari patta to an extent of Acs.137.99, which was under cultivation of the rough patta holders. The said order has been confirmed by the Commissioner in the impugned order.

Under the above circumstances, the petitioner cannot have any grievance with regard to the disposal of the representation petition by the Commissioner of Survey, Settlements and Land Records. The writ petitioner needs no interference and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

T. Meena Kumari, J.

4th November, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Commissioner of Survey, Settlements and Land Records,
Govt. of A.P., Hyderabad.
2 The Mandal Revenue Officer, Tanguturu Mandal, Prakasham Dist.

3 Two CCs to G.P. for Revenue, High Court Buildings, High Court of

A.P., Hyderabad. (OUT).

4 2 CD copies.